

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

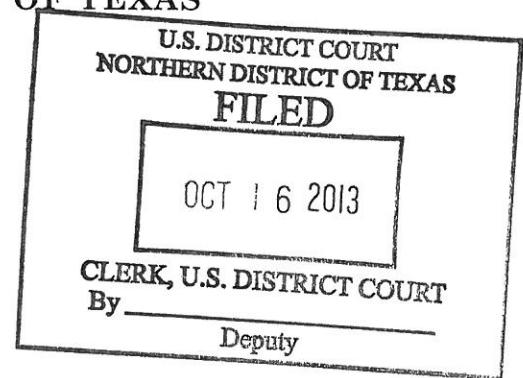
MILO H. SEGNER, JR., as
Liquidating Trustee of the
PR Liquidating Trust,

Plaintiff,

vs.

RUTHVEN OIL & GAS, LLC,
WENDELL HOLLAND,
THE WENDELL AND KARI
HOLLAND TRUST, and
CIANNA RESOURCES, INC.,

Defendants.



Case No. 12-CV-01318-F

STATUS REPORT TO CHAMBERS

To the Honorable United States Magistrate Judge Toliver:

COMES NOW, all Defendants, by and through undersigned counsel, and pursuant to the Court's Order issued on October 2, 2013, hereby respectfully forward to the Court's Chambers written report informing the Court of the results of the face to face meeting and the status of any disagreement regarding the defendant's Motion and Brief to Quash or Modify Plaintiff's Subpoenas Directed to Coppermark Bank and Prosperity Bancshares, Inc. (Doc. #40) filed by Plaintiff.

Although no agreements were reached, the motion is moot, as further explained herein.

I. Introduction

1. The Trustee has sued the Defendants for various causes of action, mostly related to alleged fraud regarding the buying and selling of mineral interests. The Defendants have all filed Answers denying the Trustee's allegations and asserting a number of affirmative defenses.

II. Status

2. On Thursday, October 10, 2013 counsel for Defendants, John H. Carney, met with Andrew B. Sommerman face to face at his office as instructed by the Court. At the time of the meeting, Mr. Sommerman informed Carney that Coppermark Bank and Prosperity Bancshares, Inc. (the "Banks") had already produced the documents responsive to the subpoena despite defendant's pending motion to quash. This development rendered the Defendant's Motion to Quash or Modify Plaintiff's Subpoenas as moot.

3. On October 15, 2013 Defendants notified counsel for Plaintiff that the bank documents were "Designated - Confidential" and that defendant was asserting the bank records and documents obtained by Plaintiff through the Subpoenas directed to Coppermark Bank and Prosperity Bancshares, Inc. were "*Confidential*" and subject to the provisions of the *Confidentiality Stipulation and Agreed Protective Order* (the Order") entered by the Parties and signed by Judge Furgeson on June 7th, 2012 (Doc. #7). Counsel has requested Plaintiff's counsel to identify the

documents produced with sufficient specificity so as to make certain all Parties know which documents fall under the Order. The availability of this option further rendered hearing on Defendant's motion unnecessary.

Therefore, Defendant respectfully requests the Court deny Defendant's Motion to Quash or Modify Plaintiff's Subpoenas Directed to Coppermark Bank and Prosperity Bancshares as moot.

Respectfully submitted,

John H. Carney & Associates

/s John H. Carney
John H. Carney
State Bar No. 03832200
JCarney@JohnHCarney.com
5005 Greenville Avenue, Suite 200
Dallas, Texas 75206
(214) 559-0555 – Telephone
(214) 363-9979 – Facsimile

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 15^h day of October, 2013, I provided copies to all counsel for the Plaintiff via fax transmission.

/s John H. Carney

John H. Carney

Jerry C. Alexander
State Bar No. 00993500
alexanderj@passmanjones.com
Christopher A. Robison
State Bar No. 24035720
robisonc@passmanjones.com
Passman & Jones, P.C.
1201 Elm Street, Suite 2500
Dallas, Texas 75270-2599
(214) 742-2121 – Telephone
(214) 748-7949 – Facsimile

Michael R. Rochelle
buzz.rochelle@romclawyers.com
Sean J. McCaffity
smccaffity@romclawyers.com
Rochelle McCullough LLP
325 N. St. Paul, Suite 4500
Dallas, Texas 75201
(214) 953-0182 – Telephone
(214) 953-0185 – Facsimile

Andrew B. Sommerman
State Bar No. 18842150
asommerman@textrial.com
George A. (Tex) Quesada, Jr.
State Bar No. 16427750
Quesada@textrial.com
Sommerman & Quesada, LLP
3811 Turtle Creek Blvd., Ste 1400
Dallas, Texas 75219
(214) 720-0720 – Telephone
(214) 720-0184 – Facsimile

Jerry Kenneth (J.Ken) Johnson, II
ken_johnson@fleming-law.com
Fleming & Associates, LLP
Post Oak Blvd., Suite 3030
Houston, Texas 77056-3019
(713) 621-7944 – Telephone
(713) 621-9638 – Facsimile

ATTORNEYS FOR PLAINTIFFS